

STATE OF MICHIGAN
COURT OF APPEALS

LARRY DARNELL JONES,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED
March 13, 2003

No. 241246
Marquette Circuit Court
LC No. 02-039159-AW

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting summary disposition to defendant under MCR 2.116(C)(7) in this mandamus action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action to compel defendant to provide him with extended access to a typewriter, beyond the policy restrictions on a prisoner's use of typewriters while in administrative segregation. Plaintiff asserted that use of a typewriter to prepare legal and personal paperwork was medically necessary due to a hand injury. Plaintiff had brought a similar action against prison officials in Arenac County, in which summary disposition was granted to the defendants. The trial court granted defendant's motion for summary disposition based on collateral estoppel.

Collateral estoppel precludes relitigation of an issue in a subsequent cause of action between the same parties when the prior proceeding resulted in a valid final judgment and the issue was actually and necessarily decided in the prior proceeding. *Barrow v Pritchard*, 235 Mich App 478, 480; 597 NW2d 853 (1999). Generally, mutuality of estoppel is a necessary element. *Id.*, 481. Estoppel is mutual if the one taking advantage of the earlier litigation would have been bound by it, had it gone against him. *Id.*

The trial court properly granted defendant's motion for summary disposition. The two cases concerned the same issue and the same parties, and the earlier action resulted in a valid final judgment.

Affirmed.

/s/ Richard Allen Griffin
/s/ Janet T. Neff
/s/ Hilda R. Gage